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ORIGINS OF INDIAN SETTLEMENT

IN the sub-tropical climate of South Africa the European settlers found it difficult to find white labour for the plantations. Native labour which they employed at first proved unreliable. Therefore, the Natal planters and the Durban Corporation requested the Government of the Cape Colony in 1855 to negotiate with the Indian Government to secure Indian labour. In 1860 the first group of Indian labourers went to Natal under a system of indenture, at first for three years and later five years. At the end of this period they had the option of either settling in the country or taking a free passage to India. Through the skill and hard work of Indian labour, Natal became a prosperous colony, but the treatment meted out to Indians was so humiliating that in 1866 the Indian Government banned further emigration. This reacted adversely on the economy of the colony and in 1874 the sugar, tea and coffee crops were rotting. A mission came from Natal to India to persuade the Indian Government to permit emigration of Indians on the condition that, after the period of indenture, they would enjoy the same privileges as other British subjects in the colony. For those who did not wish to return home, a law passed in 1870 decreed the grant of a piece of land out of the Crown lands in lieu of a passage. Indian traders from India and Mauritius migrated to South Africa and set up retail business for the benefit of Indian labour settled in the Union. The prosperity of the free Indians and traders alarmed the European settlers in Natal; after

1880 they sought to curtail the rights of the free Indians and to stop further Indian immigration.

BEGINNINGS OF DISCRIMINATION

Eventually in 1890 the grant of lands to ex-indentured labour was stopped. In 1893 the Natal Government negotiated with the Indian Government for new terms of indenture and it was agreed that labourers would return to India after their term of indenture, if given a free passage. Those immigrants who refused to return to India and decided to stay in the colony as free men had to pay an annual tax. The Act of 1895 was the first important step to prevent Indians from making a home in the colony. Later, there were restrictions on trade and labour, discrimination in education and social welfare benefits, deprivation of franchise and other legislation which made it impossible for Indians to live in the colony as self-respecting citizens. To discourage immigration the Natal Government passed the Immigration Act in 1897. The Immigration Act required every Indian to pass a dictation test in a European language and to possess a specified sum of money. The Trade Licensing Act sought to restrict trading by Asiatics. Those who had settled further inland in the region, now called the Transvaal, were also treated in a similar fashion.

Asiatics were not allowed to own property except in areas set apart for them by the Government. About the same time, coloured people were prohibited from walking on the pavements or stoeps of the main street. To "stem the tide of Asiatic immigration," the Asiatic Law Amendment Act was passed in 1907. By this Act Indians had to get themselves registered and give their finger-prints for identification. In protest against this, Mahatma Gandhi launched the first passive resistance movement.

In 1911, therefore, the Government of India forbade

further emigration of indentured labour to Natal.

The Immigrants Regulation Act, passed by the Government of the Union of South Africa in 1913, gave the Minister of the Interior power to declare certain classes of people prohibited immigrants; and he included all Asiatics under this category. The Act also restricted the movement of Asiatics from one province to another. The Indian community decided to resist these measures, and a passive resistance movement was started by Gandhiji in 1913. Indians refused to pay the poll tax of £3; Gandhiji was arrested and sentenced to nine months imprisonment. With him about 2,000 Indians were arrested. There were strikes in the coal mines and sugar plantations, and as a result of police firing, twenty-five Indians were wounded and nine killed. The Government of India asked for an enquiry, and on the recommendations of the Solomon Commission Gandhiji met General Smuts and represented the Indian case; these negotiations led to the Indian Relief Act. The poll tax was abolished in Natal and other grievances were also redressed. The Smuts-Gandhi agreement was concluded when General Smuts assured the Indians that existing laws would be administered "in a just manner with due regard to vested interests."

1914—1927

During the war years the problem of Indians in South Africa was taken up at the Imperial War Conferences of 1917 and 1918, when the disabilities of Indians resident in the self-governing dominions were discussed. But anti-Indian feeling continued to find expression in new legislation. At the Imperial Conference in 1921 the Government of India claimed political rights for Indians who had settled in the dominions. In a resolution passed by the conference these rights were recognized by all the dominions except South Africa. In the Union every attempt was being

made to keep Indians out and the Class Areas Bill of 1924 was framed to segregate Indians in urban areas. The next year the Areas Reservation, Immigration and Registration Bill was introduced for the segregation of Indians in Natal and for further restrictions on immigrants. This Bill caused more discontent among the Indians in the Union and the Government of India intervened on their behalf. After prolonged negotiations representatives of the Government and South Africa met at a Round Table Conference in Cape Town. The result of their discussion was the Cape Town Agreement of 1927.

1927—1946

The Cape Town Agreement was characterized by the "determination to achieve solution of the main problem in a spirit of friendliness and goodwill." Both the governments recognized South Africa's right to maintain western standards of life, and the Union Government recognized "that Indians domiciled in the Union who are prepared to conform to western standards of life should be enabled to do so." Those Indians, who did not desire to conform to western standards, would be helped to emigrate to other countries by the Union Government.

The Union Government also decided to drop the Areas Reservation and Immigration and Registration Bill. They recognized the principle of equal pay for equal work and the duty of every civilized government to promote the welfare of every section of its permanent population. Indians, who were part of the permanent population of South Africa, were not to be discriminated against with regard to educational and other facilities. To ensure cooperation between the two governments, the Union of South Africa asked the Indian Government to appoint an Agent in the Union.

Relations between Europeans and Indians continued

to deteriorate and in 1939 there was a fresh upsurge of anti-Indian feeling. Indians were accused of penetrating into European areas and the Transvaal Asiatic (Land and Trading) Act was passed to segregate Indians. Agitation against Indians continued, and the Government appointed two commissions to investigate the extent of penetration of European areas by Asiatics. They reported that there had been very little penetration and it was restricted to areas where Indian capital had concentrated during the war years. These reports did not allay European agitation, and the Trading and Occupation of Land (Transvaal and Natal) Restriction Act, generally known as the Pegging Act, was passed in 1943. It prohibited Indians from purchasing fresh property in predominantly European areas in Durban without special permission from the Minister. This Act was passed in spite of protests by the Government of India. A commission was appointed to enquire into and report upon matters affecting the Indian community in the province of Natal; it recommended a round table conference to settle matters under dispute. This recommendation was ignored and the Asiatic Land Tenure and Indian Representation Act was passed in 1946. This Act, called by Indians the Ghetto Act, introduced for the first time segregation of Asiatics throughout Natal. Asiatics could not buy or sell land except in exempted areas. Occupation and acquisition of property in other areas was subject to the Minister's permission. As members of both Houses of the Union Parliament had to be of European descent, Indians had no means of voicing their grievances, and the position of racial and economic inferiority to which Indians were reduced by the Act led to agitation in South Africa and India. Before the passing of the Ghetto Act, the Indian Government had urged the Union Government to convene a round table conference. The Union Government was not in a conciliatory mood, and after the Act was passed relations between the two governments deteriorated. Trade agreements were terminated, and the Indian community began a passive resistance movement in protest against the Act.

DISPUTE REFERRED TO U.N.

THE Government of India referred the question of the treatment of Indians in South Africa to the General Assembly. On December 8, 1946, the Assembly passed a resolution which stated that "the treatment of Indians in the Union should be in conformity with the international obligations under the agreements concluded between the two governments and the relevant provisions of the Charter."

The Assembly recognized that relations between the two governments had been strained on account of the treatment meted out to Indians, and called upon them to report at its next session the measures adopted to arrive at a satisfactory settlement.

The U. N. resolution was the signal for a fresh outburst of anti-Asian feeling. A few days later Field Marshal Smuts denounced the United Nations Organization as a body dominated by coloured people. Speaking in the Parliament, he made it clear that the government had no intention of repealing or modifying the Asiatic Land Tenure and the Indian Representation Act of 1946.

In accordance with the General Assembly's resolution of December 8, 1946, the Government of India submitted its report on September 2, 1947, on developments in Indo-South-African relations since the earlier resolution. The

report said that after a considerable lapse of time the Indian Government had approached the South African Government to bring about the implementation of the General Assembly's resolution. In a personal letter to Field Marshal Smuts dated April 24, 1947, Pandit Nehru expressed his Government's readiness to enter into any discussion the Union Government might initiate and assured him the cooperation of the Indian Government. In a later communication the Indian Government expressed their willingness to send their High Commissioner back to the Union provided the Union Government accepted the December 1946 resolution as the basis of discussion. This the Union Government was not prepared to do and therefore no agreement could be reached on a common basis of discussion. In the 1947 session of the General Assembly, the Indian representative submitted a draft resolution in which the representatives of the two governments were called upon to enter into discussions at a round table conference on the basis of the December 8, 1946 resolution and to invite the Government of Pakistan to participate in them. After lengthy discussion, the Indian resolution was voted upon and did not secure a two-thirds majority.

At its 212th plenary session in May 1949, the General Assembly of the United Nations adopted a resolution inviting the governments of South Africa, India and Pakistan to resolve the question of the treatment of the people of Indian origin in the Union of South Africa. This resolution was adopted consequent on another representation made by India against the continued ill-treatment of Indians in South Africa, the Asiatic Land Tenure Act (No. 29) of 1946 enacted by Smuts' Government and the amendment by Malan's Government made with a view to imposing further disabilities on Indians. The amending act deprived the Indians of the partial enfranchisement right conferred upon them by the earlier act.

In conformity with the resolution of the General Assembly, the Government of India, in a communication

dated July 4, 1949, enquired if the Union Government was agreeable to a round table conference *as provided for in the resolution*, and if so, where the conference was to be held and when.

In the meantime, the Malan Government had enacted another amendment to the Asiatic Land Tenure Act. The 1946 Act had not imposed any restrictions on occupation of land or premises if they were for the exclusive purpose of business or trade. The 1949 amendment prohibited Asiatics from occupying new land or premises even if they were for the exclusive purpose of business or trade. For the first time, territorial segregation was imposed even in the sectors of trade and business.

The Union Government, in its reply to the Government of India's note of July 4, declared that it "was not averse in general to a discussion of the Indian question in South Africa" subject to certain reservations. The South African Government claimed that it had consistently contended that "the so-called Indian question in South Africa is entirely a domestic matter." It also desired to be assured that there existed reasonable prospect for a solution satisfactory to South Africa. Otherwise it would construe the proposed discussion as "interference in the domestic affairs of an independent country." The demand for such an assurance, coupled with the various amendments to the Asiatic Land Tenure Act imposing further racial segregation, had already diminished the scope and usefulness of the discussions considerably. Also, the South African Government recommended "a sound realistic approach" as opposed to an "exaggerated emphasis" on the Declaration of Human Rights and "abstract and often impracticable principles and ideals." It was also suggested that preparatory talks could be held in South Africa if sufficient common ground was found among the parties.

The Indian Government agreed to the exploratory talks in South Africa suggested by the Union Government and

assured them that they "recognize that India can no more interfere in the domestic affairs of South Africa than the Union Government can in the affairs of India." Nevertheless, they requested the Union Government to look upon the problem as concerning both the governments of South Africa and India. Also, because of its racial implications, the Indian problem in South Africa was of international significance. The Union Government replied saying that their "basically unalterable approach" had already been explained. They suggested that the success of these discussions would be enhanced if the economic sanctions against South Africa were "voluntarily withdrawn."

In the meanwhile, the South African Government proceeded to enact new laws and rigorously enforce old ones; this led to a progressive deterioration in the conditions of Indians which it was India's desire to improve by negotiation with the Union Government. Some of the glaring instances of such treatment were mentioned in a letter to the Union Government from the Government of India.

In answer to these representations, the South African Government merely replied that these were matters that fell within the domestic jurisdiction of the Union Government and did not concern the Indian Government. Moreover, they complained of "unjustified attempts on the part of India to arraign the Government of the Union before the United Nations." Nevertheless, India, in her genuine desire to find a peaceful solution for her differences with the Union Government, agreed to join in a preliminary discussion.

PRELIMINARY TALKS IN CAPE TOWN

Delegates from India, Pakistan and South Africa met at Cape Town for the preliminary talks which lasted from February 6 to 11, 1950. The leader of the South African Delegation, Dr. Donges, who was also Minister of the

Interior of the Union Government, claimed that the discussions were held not in pursuance of the United Nations resolution but had been made possible by the goodwill established during personal contacts between Pandit Jawaharlal Nehru and Dr. Malan in London. He also held that these discussions had a limited scope. As in their correspondence, the Union Government contended that the Indian problem in South Africa was domestic and all that the Union Government expected from the round table conference was "a solution satisfactory to South Africa herself with the cooperation of an outside Government or Governments." Dr. Donges also claimed that the purpose of the earlier conferences of 1927 and 1932 had only been the reduction of the Indian population in South Africa.

The leader of the Indian delegation, Pandit Hirday Nath Kunzru, said that India consented to enter these discussions only because of the General Assembly resolution which had called upon the parties to settle their differences at a round table conference. He denied that the preliminary conference was the result of negotiations between Dr. Malan and Pandit Jawaharlal Nehru. He also refuted the South African claim that the aim of the earlier conferences of 1927 and 1932 was circumscribed by the limited purpose of reducing the Indian population in South Africa. India, he said, would insist on a full discussion of the disabilities of Indians in South Africa. The two parties suggested two different formulas for the agenda. Finally, a common formula which included both the items suggested by the two parties was devised. A round table conference was to be convened "to explore all possible ways and means of settling the Indian question in the Union of South Africa."

The South African contention denying that the proposed conference was a result of the General Assembly resolution was not merely a casual move; it had deeper significance. The only inference possible in the circumstances was that the Union Government did not look upon the round table conference as an obligation arising out of the resolution

passed by the General Assembly. India, on the other hand, pointed out that in attempting to convene a conference she was following the directions of the General Assembly. Indian leaders have time and again affirmed their faith in the U.N.O. and its majority decisions. There are other statements made by the Prime Minister of the South African Union Government which reflect the same defiant attitude towards this world organization.

In the 1950 New Year message, Dr. Malan is reported to have said:

"The universal world organization . . . is not only standing by in impotence but is continually occupying itself with an unjustified and intolerable interference in the domestic affairs of its member States; thereby assisting to bring discredit upon itself and hastening towards its own end"

FRESH ANTI-INDIAN MEASURES

Even before the preliminary discussions, Dr. Malan's Government was rapidly forging ahead with anti-Indian measures in South Africa. The Union Government was applying the Asiatic Land Tenure (Amendment) Act of 1949, rigorously enforcing segregation by various executive measures. Information reached India that stringent legislation (this was what later on turned out to be the Group Areas Bill) was about to be introduced in the Union Parliament. On hearing this, the Government of India made a strong representation to the Department of External Affairs in Cape Town. They pointed out that preliminary to a round table conference this legislation and other executive action based on existing law would only vitiate the atmosphere, whatever the legality of such action or the merit of the argument based on domestic jurisdiction. In the circumstances, the only purpose of the conference would be to discuss the compulsory expulsion of Indians from South Africa which was what the Union Government had all

along aimed to do. They did not seem to envisage any concessions to the Indo-Pakistan point of view.

Without reference to the request made by the Government of India, the Union Government suggested a conference in October or November 1950 at a centre like London where full use could be made of all local staff by the three Governments.

NEGOTIATIONS FOR CONFERENCE FAIL

In reply to the request made by the Government of India to suspend this fresh piece of anti-Asian legislation, the Union Government replied that compliance with India's request would mean the "abdication of the functions of the judiciary and legislature generally." The Indian Government informed the South African Government that in these circumstances they could not participate in the proposed round table conference. They pointed out that uplift and not segregation would be the right method of making Indians contented and useful citizens of the Union.

In reply to this, the Union Government said that they found it difficult to understand India's inability to attend the conference because the *purport of the Group Areas Bill had been explained in general terms* to the leaders of the Pakistan and Indian Delegations. On May 30, during the second reading of the Bill, Dr. Donges made a similar claim that the Government of India had prior knowledge of the Bill. Both the Governments of India and Pakistan denied that they knew anything of the designs of the Union Government about the Group Areas Bill.

All that Dr. Donges told the Indian delegate was that some measures were proposed to place all the races on the same footing and remove the stigma of inferiority that the Asiatic Land Tenure Act placed on the Indian community. Pandit Kunzru understood from this that the Union Govern-

ment probably intended removing discrimination against any particular community by introducing the same conditions for others. To claim that this laconic information given by Dr. Donges was all that was necessary for India's "prior knowledge" of the Group Areas Bill was extremely unjust. Consistent with her aim, it was only natural that India should have liked to discuss the Group Areas Bill in the proposed conference. Dr. Malan rushed the legislation post-haste through the Assembly applying the "guillotine"; the Bill was law on July 7, 1950, and the Union Government had earlier informed the Indian Government that the proposed conference could not be held earlier than September 15. The Union never intended that India should know anything about the Bill, much less discuss it in the conference.

The Indian Government therefore finally informed the Union Government on June 30 that no useful purpose could be served by the conference.

The Government of India had no other option but to request the Secretary-General of the U.N. to include the question of the treatment of Indians in South Africa in the provisional agenda of the fifth session of the General Assembly.

APARTHEID

APARTHEID, a Dutch word, which literally means a state of separation, is a theory of race formulated by the Nationalist Party, now in power in the Union of South Africa, to justify its racial policy. According to this theory, feelings of racial antagonism in the Union run so high that, unless a remedy is found, the problem will assume unmanageable proportions. A harmonious community could exist in the Union only if the three races lived in mutual separation; the remedy suggested is *apartheid*. The Indians are however, a special class; they are according to the Party an outlandish element in Union society. Segregation in their case will not prejudice their final repatriation from the country.

Both the theory and the remedy savour of the unpleasant past; the memory of racial theories and of those who perpetrated a war on an unwilling world while practising them is still fresh in the public mind. There are few parallels in history for this novel concept of democracy where the citizens are to be divided into three mutually exclusive groups; one group to enjoy special privileges and the other two to have no political rights. The sole example of such restricted democracy, if that will console the *apartheid* theorists, was in the city of Athens where political rights existed only for a handful of Greek citizens.

Even religion has come to the aid of *apartheid* theorists. Dr. Malan, one of the authoritative exponents of this racial theory, is himself a Doctor of Divinity of the

University of Leyden and a minister of the Dutch Reformed Church. To ease the conscience of the Europeans, the Church in South Africa has discovered divine sanction for the policy of *apartheid*. The Congress of Federated Reformed Churches at Bloemfontein attended by about 500 delegates affirmed that "there were basic principles of God supporting *apartheid*."

Since the Union Nationality Act, 1927, Indians have been considered full citizens of South Africa though the treatment that they have received has never been beyond reproach. The late Field Marshal Smuts, whose government was also responsible for a number of anti-Indian measures in its time, once said:

"They [Indians] were brought here by us, the European population and they have lived here. Generations have grown up here. They do not know India or any other country; they are South Africans, South African-born; they do not even know their language; they have only the South African outlook; they have been subjected to all influences which transform a human being into a citizen of another country. Can we simply take away the right from them and give nothing in return?"

Since then, there has been a significant but unnoticed change in the policy of the Union Government. To the extent that Field Marshal Smuts did not envisage eviction of Indians from Union soil, anti-Asiatic feeling among Europeans was restrained. Dr. Malan's Government came into power after the 1948 elections. The following extracts from the Election Manifesto of the Nationalist Party and speeches made by some ministers of Dr. Malan's Government indicate clearly the direction of the change in policy. Formerly, the rulers of the Union were content with the ill-treatment of Indians; now they want to see them out of the Union.

"The Party holds the view that Indians are a foreign and outlandish element which is unassimilable. They can never become part of the country and must, therefore, be treated as an immigrant community. The Party accepts as a basis of its policy the repatriation of as many Indians as possible" (Election Manifesto, 1948).

Dr. Jansen, Minister of Native Affairs, said that "the Asiatics can live on the smell of a rag." At a meeting at Brits, the local Nationalist Member of Parliament declared that Europeans and Natives must be taught to boycott Indians "till they are bled white." If Indians were reduced to "abject poverty by this means, they would be glad to emigrate to India." Propaganda against Indians has been done most systematically, and vituperative statements against Indians are innumerable. The whites are told that the condition of their future existence is that they should keep their colour sense alive; they should not mix with the Coloureds and must retain the upper hand in managing the affairs of the Union. The Natives are told that it is the Indians who stand between them and prosperity.

The conditions of life of the Africans in the Union are extremely unsatisfactory. The Union Government and the local authorities have done little to improve the very inadequate housing facilities for Africans, most of whom live in shack settlements. Thanks to statutory restrictions on apprenticeship, Africans cannot aspire to become trained personnel in industry; they are not even eligible for full membership in a trade union. They cannot purchase property freely or obtain loans on it. Now that the Group Areas Bill is law, they will live in segregation. Nationalist leaders have repeatedly declared that they propose to curtail the already meagre political rights of the Africans.

Disabilities are imposed both on Indians and Africans, only the restrictions on the two communities are different. It is not that the Indians are better off than the Africans. Because the Africans are treated worse it cannot be argued that Indians find favour with the Union Government. But this is in fact what the Natives have been taught to believe. Subtle Nationalist propaganda has created resentment in the African mind against the Indians. The technique of the Nationalist Party is as ingenious as it is unconscionable. Without giving the Natives any

special concessions, they have succeeded in inciting African sentiment against the Indians. This is only another subtle device to expel the Indians from South Africa. The Africans are told that they are exploited by Indian traders. The Africans patronized Indian traders partly because they did not exploit the Africans as much as the Europeans and, moreover, they treated their African customers more courteously. Misleading propaganda has already led to the boycott of Indian traders by the Natives in many areas.

Extreme discontent has been engendered in the minds of Africans because of bad treatment and the discriminatory policy of the Union Government. This has given rise to a feeling of hatred which does not necessarily vent itself against the actual perpetrators of evil. It finds expression in violence even against imaginary enemies. This explains the breaches of internal peace in the Union which have become frequent in recent times. The Durban riots were a logical result of the racial policy of the Union Government. The incident mentioned in the official version, when an African boy was assaulted by an Indian, was much too trivial to have given rise to racial antagonism of such magnitude. The Commission appointed to enquire into these riots reported that "the cumulative effects of emotion built up over a period of time caused by complaints and conditions, some real and some imaginary, fanned by propaganda culminated in the riots. A background to these riots was a strong feeling of antagonism against government and control by the Europeans in all spheres of life formed a strong undercurrent The deep-rooted hatred of the police especially is a symptom and not a cause." The Commission finally affirmed that "above and beyond all cause the Natives are dissatisfied with the conditions under which they live and the repressive measures that hem them in at every turn." Commenting on the riots, F.M. Smuts said that "South Africa was tasting her first fruits" of the Nationalist Government's "racially repressive counter-reactionary economic policies."

The authors of *apartheid* claim that it is a solution for the racial problem. Far from solving the problem it has led to a deterioration of relations between the racial groups. The number and intensity of the riots that followed the advent of the policy of *apartheid* are unprecedented in the history of the Union. There were three major disturbances besides a number of other minor ones.

- (1) Neulands disturbances in January 1950. About 600 were arrested.
- (2) Newclare and Sophia Town disturbances in February. Property worth £18,000 was reported destroyed.
- (3) Gerministan disturbances in April 1950. 11 Africans were killed and 20 injured.

The following are the more important *apartheid* measures enacted by the Malan Government between the period 1948-50:

GROUP AREAS ACT

The most important piece of anti-Asiatic legislation which will have serious repercussion on Asiatics is the Group Areas Act. The Group Areas Bill was rushed post-haste through the Parliament, the "guillotine" was applied, and all discussion was limited to 52 hours. Amendments which sought to compensate affected persons for loss were turned down on the excuse that they involved financial commitments. The Bill was passed by the Senate with the slender majority of a solitary vote and became law on July 7, 1950.

The Act provides for the division and control of all land in the Union for ownership and occupation by the different racial groups. For this purpose, the entire population has been divided into three main groups, viz. White, Native and Coloured. Indians have been included in the Coloured group which itself can be further sub-divided. The Government can establish by Proclamation "Group



At the Preliminary Talks in Cape Town: Delegates left to right, Pandit Hirday Nath Kunzru (India), Dr. Danges (South Africa) and Dr. Mahmud Hussain (Pakistan)



The Cape Town Talks failed to bring about a round table conference



Rev. Michael Scott addressing a joint meeting of African, Indian and Coloured peoples in protest against South Africa's racial policy. *Apartheid* aims to undermine non-European unity

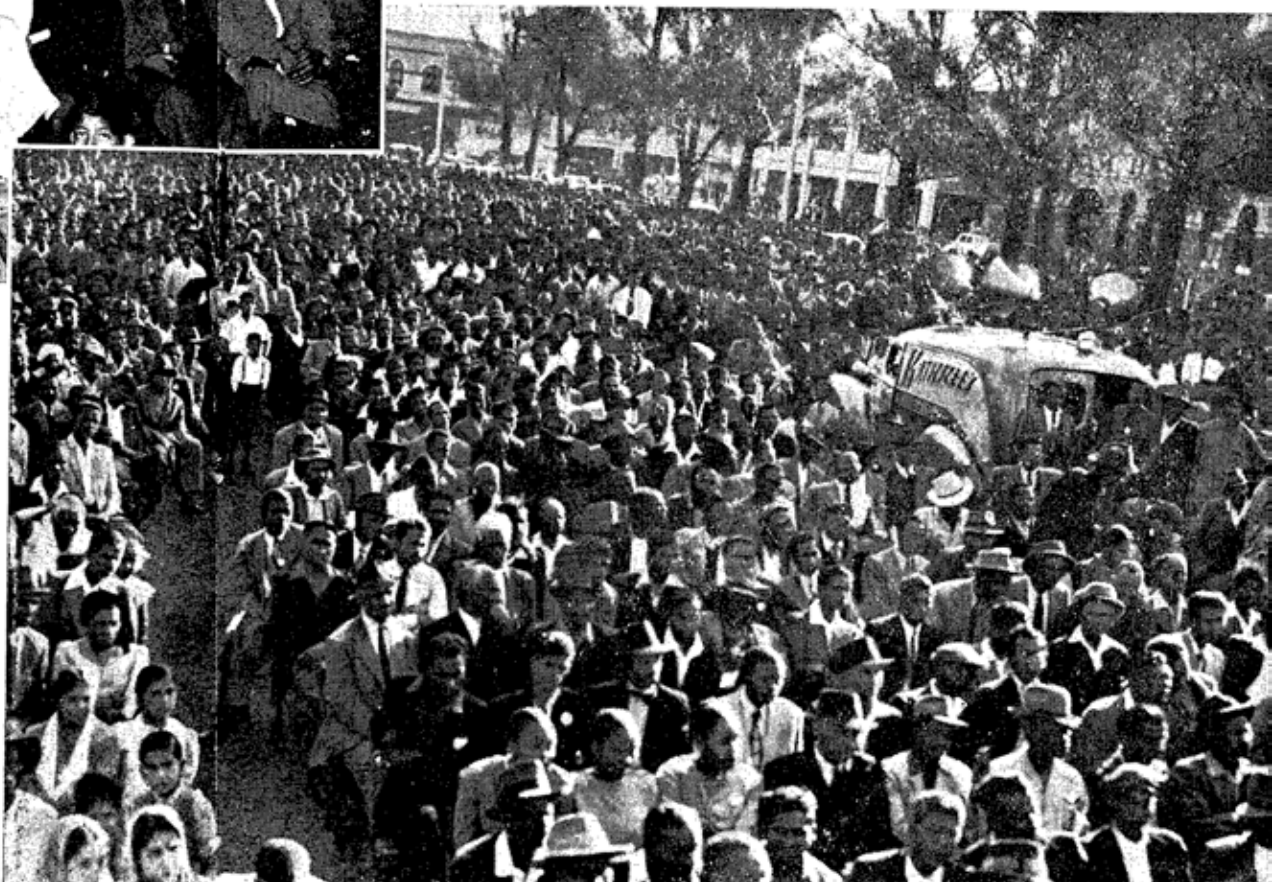


There has been widespread agitation by non-Europeans for franchise rights. Out of a non-European population of eleven millions, seven millions are voteless



Non - European opposition to
apartheid legislation is unanimous

Dr. J.S. Moroka, President of the African National Congress, addressing a joint meeting of the Natal Indian Congress, the Coloured People's Organization and the African National Congress in protest against the Group Areas and Suppression of Communism Acts



THIS LIFT IS FOR EUROPEANS ONLY
SERVICE LIFT IS PROVIDED FOR TRADESMEN,
NON-EUROPEANS, PRAMS & DOGS.
NO HAWKERS ALLOWED.

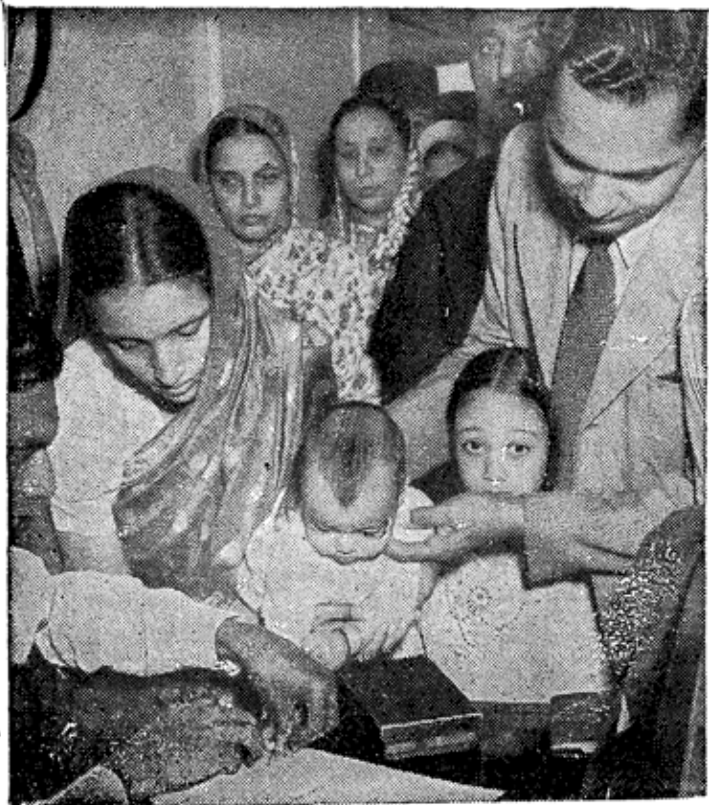
Official notices

**NON-EUROPEAN
& TRADESMEN'S
ENTRANCE
THROUGH GARAGE**

**NO HAWKERS
ALLOWED.**



Master Williams, two year old Indian, is without a home in South Africa. The South African Department of Immigration and Asiatic Affairs has ordered him to leave the Transvaal, where his mother is legally resident, and to go to Natal where he has no relations. His father, a resident of Natal, deserted his wife, and South African law does not permit any action against him. *Apartheid* has broken up many homes



Inter-provincial movement by non-Europeans is possible only by permits. Even small children are not exempt from the legal procedure of finger prints and witnesses

Areas" for exclusive occupation or ownership or both, of any of the groups. Fresh acquisition of land by disqualified persons or company in any group area is prohibited; disqualified companies holding property at the commencement of notification cannot retain ownership after ten years; the Minister can, after this period, sell such property compulsorily. All the property in a group area held at the commencement of the Proclamation by a disqualified individual will, after his death, have to be sold to a member of the group for which the area is set apart. No disqualified person can occupy land or premises in a group area without a permit after one year of notification, with the exception of servants and guests, etc. All areas, other than group areas and native locations will be "controlled areas," in which the transfer of occupation and ownership between members of different groups can take place only under the authority of a permit. No differentiation is made in the Act between occupation for residence and occupation for trade. Trade licences may be issued or renewed only on proof that the applicant can lawfully occupy the premises where the trade is to be carried on.

The South African Government claims that this Act is equally applicable to all communities. The probable effects of the Act, which are naturally not mentioned in the text, will bear out the assumption that it is directed against Indians in particular. At present, Indians own business houses for retail and wholesale trade in the commercial sections of towns like Durban, Johannesburg and Cape Town; they have done so for several decades. By regulation and law, the Union Government has in the past closed all openings that skilled professions offered to Indians. They have therefore been forced to fall back upon trade and commerce. It seems certain that most of these areas in which Indians have a flourishing business with a clientele from all races, will be declared white group areas. Indians would be forced to wind up business and sell their property; the Indian employees of these business firms will be without jobs and income as soon as

the Act is enforced. Since the Act has been passed, the value of Indian property has steadily declined. The fact that Indians will have no choice but to sell their property makes their position extremely precarious. Credit facilities available to Indians are being cut short.

On eviction Indians will have to move into the group areas reserved for them or into the controlled areas. Indications are that the group areas likely to be set aside for Indians will be far away from the areas now occupied by them or by any other group. Once the law is enforced, Indians will trade in a sector with members of their own group which will contain 2.5 per cent of the country's population. In the controlled areas, the prospects are hardly any better; there Indians can occupy premises owned by Indians only. In the provinces of the Transvaal and Natal, very few premises and sites are likely to be available to Indians because of land tenure restrictions. Without room for occupation, Indians cannot hope to secure trade licences. Only a very small percentage of the evicted Indians would therefore succeed in securing occupation either for business or for residence in the controlled areas. For those Indians thrown out of employment, owing to the rigorous restrictions on Indian business, there is no relief. Both by convention and by law, skilled and unskilled employment is closed to the Indians. There is no doubt whatever that this measure is merely an ingenious device to expel all Indians from the Union by destroying the economic basis of their livelihood.

BENEFITS CLAIMED FOR ACT

The official spokesmen of the Union Government have claimed that the Act will confer a number of benefits on the different races of the South African community. They affirm that the Act "does not imply any discrimination between the various races in the Union, because restrictions imposed on one group are also applicable to other groups and all will thus be treated alike." The evidence

of the previous section incontrovertibly points to the conclusion that the measure, however ostensibly impartial on paper, was intended specifically to fulfil the "long cherished hopes" of the South African whites to expel the Indians from Union territory by dislocating the economic structure on which their prosperity was based. For final proof of the motives of the South African Government, here are extracts from the report of the Asiatic Land Tenure Laws Amendments Committee and the Land Tenure Act Amendments Committee: "There appears to be an ever-growing belief in the public mind that the only satisfactory solution of the Asiatic question is repatriation and that whatever is done by way of legislation should be such as not to endanger the possibility of repatriation and deprive the public of one of its most deeply cherished hopes. In its most advanced form, this theme reads: *repatriation and, failing which, compulsory segregation with boycott to induce repatriation*" (italics ours).

Speaking on the Group Areas Act, Dr. Malan stated:

"What is the use of having a law to deal with mixed marriages if we have conditions such as those I have described, conditions of a kind which still exist in urban areas in this country, where Europeans and non-Europeans live alongside each other and associate with each other, where the children play together in the streets and where colour feelings of the Europeans are becoming dulled and where the colour sense which is the white man's protection, disappears completely?"

(*Union Assembly Debates*, page 7,724, May 31, 1950).

International opinion has been deeply critical of Dr. Malan's Government and its anti-Asian policy. Criticism, however, did not lead to a change of heart; the South African Government thought it would be convenient to placate international opinion, not by removing discrimination, but by preserving anti-Asian legislation and calling it by less objectionable names. The Act has a suggestion of equal sacrifice for all races which is spurious and misleading. Discrimination cannot be removed merely by calling the Indians a coloured group.

Another claim made for the Group Areas Act by official spokesman is that "it will contribute much towards the realization of one of the main objects of the policy of *apartheid*, namely, to eliminate friction between the various races in the Union." It was claimed by the Union Government that the Durban riots of 1949 were a result of the proximity in which Africans and Indians lived in Durban. This argument cannot be maintained seriously in the face of the following facts. Indians and Africans have lived close to each other for years without any antagonism. A number of mixed residential areas exist in the Transvaal where no such incidents have marred their community life. If the aim of the Union Government was to avoid friction, the obvious method would have been to encourage community life where opportunities existed for closer contacts between the two races. Segregation would only lead to antagonism and friction.

Prohibition of Mixed Marriages Act: This Act is based on the same technique as that employed by the Nazis to prohibit marriages between Jews and German Christians. Pseudo-scientific and pseudo-philosophical theories of race have been advanced to perpetuate the principles of political and economic domination underlying *apartheid*. Marriages between Europeans and non-Europeans are prohibited, and should such a marriage be solemnized it would be considered void and of no effect. The marriage officers who performed the marriage would be guilty of an offence punishable by fine.

This Act is an unwarranted attack upon the freedom of the individual and an insult to the non-white peoples of South Africa particularly because the number of mixed marriages is very small. During the five-year period, 1941-45, the average number of marriages between Europeans and Asiatics was six a year and between Europeans and Natives four. In a population of eleven million these figures are negligible; they hardly justify legislation which stigmatizes the entire community.

The Immorality Amendment Act declares carnal intercourse between a European and a non-European a criminal offence punishable with imprisonment of five years for the man and four years for the woman. Assuming that morality can be enforced by legislation, this is still a racial measure, for it does not hold such intercourse among Europeans to be either immoral or illegal.

Suppression of Communism Act 1950: This Act, passed in 1950 by the Union Parliament, replaces the earlier Anti-Communism Act. The change was not merely one of name; the later act is more inclusive. It empowers the executive to take action not only against communists but those who encourage hostility between European and non-European races. While the racial policy of the Union Government does not have the approbation of international opinion, executive action against those who transgress racial laws would not evoke such unanimous disapproval, if undertaken in the name of a crusade against communism. This Act is in reality a measure to suppress just agitation by Indians and Africans for redress of genuine grievances.

The United Party, of which Field Marshal Smuts was the leader until sometime before his death, would not, by the most exacting standards, be any more radical than a liberal party, but the Nationalist Government of the Union has however discovered in the tenets of this party incentives to revolution; they have adopted a convenient and inclusive definition of the word "communism." Mr. C. R. Swart, Minister of Justice of the Union Government, once said: "The United Party was in recent years nothing else than the god-father of communism in South Africa," and Dr. Malan also: "In South Africa, you get demands on the part of the various sections of the non-European population. Communism is busy to incite the non-Europeans against the white population." Surely, they are not all communists who believe that Indians and Africans deserve better treatment than they get at the hands of the Union Government!

This Act vests the Minister of Justice with discretion to label any organization, journal, publication or person as communist. The Minister has also the power to prohibit any assembly, restrict movement of persons and deport non-nationals under suspicion. Earlier legislation had denied Africans the right to collective bargaining; if they enrolled as members of trade unions, they ran the risk of being labelled as communist. Penalties for contravention are fines extending to £200 and imprisonment ranging from one to ten years. Even those who endorse the need for legislation against communists would agree that denial of trade union rights to labour would not suppress communism. On the contrary. The Act therefore is really directed against Indians and Africans rather than communists. In a debate on the Bill, the United Party (Opposition) accused the Minister of Justice "of presuming guilt until innocence was proved" and of seeking to "subvert the Rule of Law and control all political activity" in the Union.

The Population Registration Act provides for separate registration of Europeans, Natives and Coloureds. According to Field Marshal Smuts the Act was designed to help the Government to carry out their policy of *apartheid* and to provide for the elimination of the Coloureds from the voters' roll. This is to be done through the compilation of a register after the 1951 census, showing whether a man is a Union citizen, domiciled in the Union or on a temporary visit to the Union. Every person over 16 years of age will be issued an identity card giving a description of his person and the ethnic group to which he belongs. These cards will have to be presented to authorized police officers. This measure coupled with the Mixed Marriages Act will ensure the purity of the white race.

The Native Building Workers' Act prohibits the employment of Natives on skilled work connected with building in those areas which are not exclusively native. An immediate effect of the Act is that Natives will

no longer be able to do various jobs outside native areas. The Minister has assured Parliament that the training of Natives will be inferior to that of white builders. The Act imposes penalties ranging from a fine of £100 to one year's imprisonment for contravention of its provisions.

TRADE UNIONS

In the Election Manifesto of the Nationalist Party it was stated that the Party was in favour of a trade union organization in which provision was made for separation between Europeans and non-Europeans and that *apartheid* would be enforced in factories, industries and workshops. Mr. Schoeman, Minister of Labour and Public Works, said in June, 1948, that he would see to it that there were no mixed trade unions. Natives were no longer to be trained as artisans and thus competition between them and Europeans would be eliminated.

A year later the Prime Minister's office issued a directive that Europeans should replace the Natives in the public services. As a result many native cleaners in government departments with services ranging from ten to thirty-five years were served with notices.

EDUCATION

The Election Manifesto stated that admission of Natives to "European institutions together with European students must end." The Nationalist Party aims to stop all educational facilities which have so far been provided for non-Europeans. They will not be admitted to the medical courses at the Witwatersrand and Cape Universities, but will be given inferior training in separate departments of the Natal University. The extent to which such differentiation can be carried is illustrated by these incidents.

An African student was allowed to write an examination as a private candidate by the Principal of a European Government school. When the parents of European students came to know of this, they stormed the Principal's office, demanding immediate removal of the African boy.

Again, African students who were awarded scholarships by the Government of India for studies at Indian universities were refused passports by the South African Government. This refusal to issue passports confirms the Malan Government's policy of preventing contact between non-Europeans from South Africa and people in other countries who are not colour-conscious.

ARMED FORCES

Non-Europeans in the Defence Forces will be unarmed and their status will be much lower than that of Europeans. Instead of ranks, non-Europeans will be designated by their jobs, such as police boy, guard and driver. The Cape Coloureds Corps, a unit of the South African Permanent Force, has been disbanded. In September 1949, the Government decided that non-Europeans in the Union's permanent force would in future be non-combatants only. They would work as cooks and other assistants, and their dress would have no resemblance to military uniforms.

RAILWAYS

In the Union railways, a number of first class compartments are reserved for the exclusive use of Europeans. From July 1, 1949, *apartheid* has been introduced at the Johannesburg railway station by providing separate entrances for European and non-European passengers. The central entrance is for Europeans and non-Europeans have to take a longer route to reach their trains.

POST OFFICES

The Minister of Posts and Telegraphs has announced that measures would be taken to separate Europeans and non-Europeans at the General Post Office in Cape Town, and at forty other post offices in the Cape province. Out of 1,250 post offices in the Union there is *apartheid* in 847. At the Transvaal Nationalist Party Congress in September, 1949, a resolution was passed urging *apartheid* in telephone booths also. The resolution reads: "It was scandalous that Europeans and Kaffirs should be allowed to use the same telephones."

RACE COURSE

In the Durban race course, Indians used the enclosure called the Gold Ring along with Europeans till February 1950, when a separate enclosure called the Silver Ring was set apart for them. The Gold Ring was reserved exclusively for Europeans. The Natives have a ring to themselves. This decision was taken in accordance with the terms of licences for securing liquor, granted by the Liquor Licensing Board. The license does not permit Asiatics and Europeans the use of the same premises.

FAMILY ALLOWANCES

On January 1, 1949, the Department of Social Welfare stopped family allowances to Indians; the reason offered was that many Indians concealed their overtime earnings and were not really entitled to the allowances. A recent survey by the Natal University College showed that 70.2 per cent Indians in Durban lived on the bare subsistence standard. The remedy for this would not be to deprive all those who needed assistance but to take action against those who benefited illegally from the allowances.

PENSION FOR THE BLIND

The pension for the blind was increased because of higher cost of living, but the benefit was not extended to Indians.

ASIATIC LAND TENURE AMENDMENT

In 1946, the Union Government enacted the Asiatic Land Tenure Amendment Act, commonly known as the Ghetto Act, and introduced racial segregation discriminating against Asiatics in ownership and occupation of land and premises. In return for the rights taken away from them, Field Marshal Smuts decided to grant the Asiatics limited representation in the Union Parliament. The Asiatics were however to be represented by Europeans. The Malan Government has further amended the Act and deprived the Asiatics even of this limited representation.

PUBLIC SERVICES

A systematic drive has been launched to replace non-whites by whites in government services. So far the openings available to non-Europeans were only in the lower grades of services. Even these are being denied to them now.

DEPORTATION

The police embarked upon a regular hunt for Indians who were "prohibited immigrants" in the Union of South Africa. Much publicity was given to the presence of such persons in the Union but the drive revealed the presence of less than a dozen Indians, most of whom had come to see their relatives.

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The Nationalist Government is composed entirely of Afrikaner statesmen. The moderate Afrikaner elements, leaders like Botha, Smuts and Hofmyer, hitherto prominent elements in the political life of the country, have completely disappeared. The English-speaking population of the Union took a very minor part in the politics of the country. Smuts and his followers endeavoured to conciliate the English-speaking population, secure its support and present a united European front. The diehard Afrikaners from the *platteland* were most vehemently opposed to the conciliation of the whites of English origin. It is they who now preside over the destinies of the Union. Nothing, therefore, would be more harmful to *apartheid* than a flow of white immigrants from the U.K. with their heritage of liberal ideas. Hence the Malan Government's attempt to discourage immigration from the U.K. The Afrikaners will thus not only maintain the purity of their race against any danger of admixture with native blood, but will also refuse to be infected by liberal ideas from other white countries.

The constitution of the country precludes the membership of any non-European in the South African Parliament. At the time of the inception of the Union, the Coloureds were treated like the Europeans for purposes of administration. They were placed on the common electoral roll and franchise was limited to men and subject to educational and property qualifications. Native interests were looked after by three elected European representatives in the lower house and four in the upper, while Indians had very limited franchise rights. The main purpose of the Population Registration Act is to maintain a register, which will serve as "a national stud book" and remedy the error of the earlier administration in classifying the Coloureds as European. Malan's Government has further promised its supporters the abolition of the native communal vote and the removal of the coloured voters from the common role. The enemies of *apartheid*, both born and unborn, have already been destroyed.

ECONOMICS OF APARTHEID

South Africa notwithstanding its gold and diamond mines is essentially an undeveloped country. The prosperity of the European minority is in striking contrast to the poverty of the non-European races who are four times as numerous. Soil erosion, exhaustion of land in the limited native reserves and the incentive of secure employment in industry, mine and farm were the factors responsible for native migration from rural to urban areas in the earlier part of the century. Driven by economic necessity, the Natives have settled in urban areas, and live in shacks and shanties made of corrugated iron, bits of wood and old rags. These Natives and other Coloureds have provided the cheap unskilled labour that has been responsible for the unprecedented growth of secondary industries in South Africa. During the period 1939-46, the value of gross output of these industries rose by 146 per cent and the number of Europeans employed by 35 per cent.

The foreign exchange earnings of the Union have, however, been insufficient to meet her current import requirements. A high proportion of the raw material and capital requirements of South Africa come from the dollar area. While devaluation raised the value of the South African gold stock, it did nothing to relieve the basic imbalance. The advantages of devaluation were offset by the increase in sterling prices and rise in the domestic production costs. The obvious remedy is to step-up production and the export capacity of the secondary industries. Its prosperity depends upon the continued supply of cheap labour. Similarly, the gold mining industry, where extraction is almost exclusively from low-grade ores, will be faced with a crisis. Expensive white labour, which will have to replace cheap native labour, will knock the bottom out of profitable production. There will also be a considerable fall in demand from the domestic market owing to unemployment among the Natives. There would be no choice left for South Africa—her economic position is

already unsound—but to accept lower standards of life and income.

For this, the white man will have no one but himself to blame but it is hardly just that the non-European races should pay for his whims. The authors of *apartheid* have still to prove to the satisfaction of the critics, both at home and abroad, that their policy, apart from its ethics, is feasible even economically.

There are other questions besides. Where is the land to come from to resettle the native and coloured groups? Will it come from the European farmers? Who will foot the bill for expropriation—the white tax-payer? Assuming the land is found, how are the group areas to be developed? Where would the capital come from? The Indians were a pioneer community; they began from scratch and sweated to build up the capital of the Union, its mines and its plantations. When the Indians and Bantus are sent to their group areas, they will not carry with them any share of the capital which they have helped to build. There is worse in store for Indians. Are they to be evicted from the Union when they have done all to develop their group area?

SOME PRESS OPINIONS

The root causes of the inter-racial tension are poverty, discrimination, lack of opportunity for advancement according to merit, and exclusion from participation in Government, disabilities from which the under-privileged racial groups all suffer in greater or lesser degree. The sharp distinctions between the relative positions of Europeans and the non-Europeans are no new development. But, whereas until recently the disabilities of non-European labour were being gradually broken down, they are now being intensified—and it is at least as much fear for the future, as what has happened since the election of

a Government pledged to the rigid enforcement of a policy of segregation, that now intensifies racial feeling.

It is the Indian who will be the chief victim of this legislation and he feels particularly bitter about this discriminatory measure, since in 1946 verbal assurances were given by the Prime Minister, General Smuts, that such action would not subsequently be taken.

—*The World Today*, Chatham House, July 1950.

The Nationalists have now decided that it is their duty to ensure that the different races are not allowed to make such contacts with each other. They therefore seek to divide the whole of the country into separate locations, first into European, Coloured and Native areas, but later sub-dividing each of these groups, possibly even separating the Afrikaans-speaking Europeans from those who speak English.

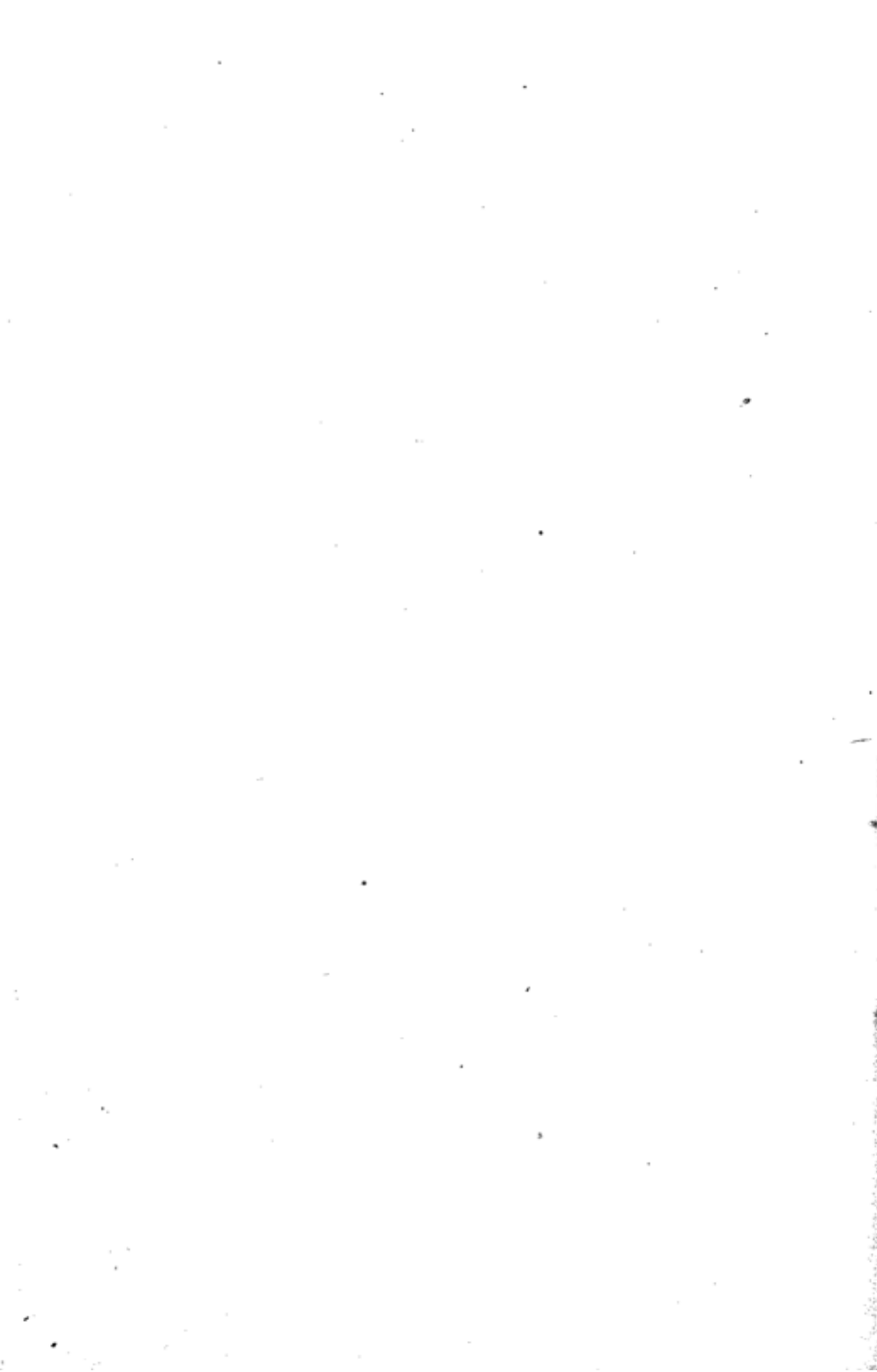
It is the Nationalists and their Ministers who will decide what areas are suitable for each "race," and what degree of control over their own affairs shall be allowed in such areas. The Parliament which has passed this Act represents directly only the 2½ million Europeans out of the 12 million population of the country. No consultations with the 10 million non-Europeans have taken place, and none will. This new pattern of life is one which is imposed entirely by the Europeans' Government upon the non-European inhabitants. One can imagine just how far the self-government will extend within the non-European areas.

What the Nationalists have done is to take the Western European and American fear of Communism and to use it in order to establish powers for themselves which are as totalitarian as any Communist or Fascist state which has ever existed.

—*New Statesman and Nation*, August 5 and 12, 1950.

It is Dr. Malan's attempt to solve the racial problems which have defeated all his predecessors; it is the embodiment of his controversial policy of *apartheid*; it is the bogey whose growth most Africans and some Europeans in the east of Africa have watched with fear and suspicion . . . If, for example, it is decided to remove a hundred thousand non-Europeans from the Johannesburg townships . . . either new homes will have to be provided for the non-Europeans, at a cost which the Johannesburg Council cannot easily afford, or more "shanty towns" will be created on the open veld, which means more crime and disease. Even the Nationalists might balk at such a prospect.

—*Economist*, July 29, 1950.



APPENDIX

As we go to press, more instances of discrimination against Indians have come to our notice. In the meanwhile, the General Assembly, in its November 1950 session, has passed a resolution condemning the policy of apartheid of the Union Government.

LESS RICE FOR INDIANS

Owing to alleged exchange difficulties, import of rice into the Union of South Africa has been totally banned by the Union Government. This decision has affected the Indian community most, for rice is their staple diet. The South African Indian Congress represented that there was little justification for the total prohibition of rice imports; textiles were being freely imported without restrictions. The representation was of no avail.

AIR TRAVEL

A press message from Johannesburg dated December 7 states that air hostesses belonging to South African airlines have been warned that they have not been observing the colour bar properly and that they must do so now.

A new set of instructions state that linen head-rests used by Indians or Africans must be removed immediately after use and sent for "hygienic processing or dry-cleaning" instead of the usual laundering applied to articles used by white people. As soon as a plane lands and non-European passengers leave their seats, the air hostesses are told that they must put a red tag on all articles used by them [Indians or Africans]. In washrooms air hostesses must no longer issue linen towels. Special paper towels must be used "because of the risk of both European and non-European passengers using the same linen towels." Incidentally, non-Europeans and Europeans pay the same fares on South African planes.

BLOW TO AFRICAN EDUCATION

Admission of African students from territories outside the Union of South Africa to mission colleges, schools, universities, etc., in the Union has been banned. Hitherto hundreds of Africans from territories neighbouring the Union were permitted to benefit by educational facilities available for Africans, and help in the spread of education in their own respective territories. This will be no longer possible.

APARTHEID IN PUBLIC PARKS

The Johannesburg City Council has approved the principle that entry into public recreation grounds should be restricted on racial grounds. In Johannesburg, separate public transport facilities exist for Europeans and non-Europeans.

COLOURED FRANCHISE

At present coloured people in Cape Town who possess the required property and income qualifications are listed with the white voters for election to the Union House of Assembly. Only Europeans can be candidates for the election.

According to an agreement reported to have been reached between the leaders of the Nationalist Party and the Afrikaner Party, the two parties in power in the Union, the Coloureds will not be permitted to vote along with the Europeans but will elect their white representatives separately.

At its Fifth Session, held in 1950 in New York, the General Assembly of the United Nations discussed the treatment of Indians in South Africa and adopted a resolution condemning South Africa's policy of *apartheid*.

THE RESOLUTION

"... considering that a policy of 'Racial Segregation' (*apartheid*) is necessarily based on doctrines of racial discrimination, the General Assembly

- (1) recommends that the Governments of India, Pakistan and Union of South Africa proceed, in accordance with resolu-

tion 265 (3) with the holding of a round table conference on the basis of their agreed agenda and bearing in mind the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights;

- (2) recommends that in the event of failure of the Governments concerned to hold a round table conference before 1st April, 1951 or to reach agreement in the round table conference within a reasonable time, there shall be established for the purpose of assisting the parties in carrying through appropriate negotiations a commission of three members, one to be nominated by the Government of Union of South Africa, another to be nominated by the other two or in default of agreement between these two in a reasonable time by the Secretary General of the United Nations;
- (3) calls upon the Governments concerned to refrain from taking any steps which would prejudice the success of their negotiations, in particular, the implementation or enforcement of the provisions of 'The Group Areas Act', pending the conclusion of such negotiations;
- (4) decides to include this item in the agenda of the next regular session of the General Assembly."



South Africa - Racial
discrimination
- African problem